

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Marc R. Amling, <i>et al.</i>
Application No. 10/034,273	Filing Date: December 28, 2001
Title of Application:	Replaceable Hardware Component of a Camera Control Unit for Video Systems
Confirmation No. 9457	Art Unit: 2622
Examiner	Timothy J. Henn

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Commissioner for Patents
P.O. Box 1450
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Appeal Brief Under 37 CFR §41.37

Dear Sir:

A Notice of Appeal from the final rejection mailed May 29, 2008, of Claims 1-4, 6 and 8-24, all pending claims of U.S. Patent Application No. 10/034,273 was filed on August 28, 2008. Appellant accordingly files its Appeal Brief in connection with this Appeal. A Claims Appendix is submitted herewith, as are Appendices related to evidence previously submitted and decisions related to the case.

(i) Real Party In Interest

The real party in interest is Karl Storz Imaging, Inc., of Goleta, CA , USA assignee of the present patent application.

(ii) Related Appeals and Interferences

There are no related Appeals or Interferences.

(iii) Status Of Claims

Claims 1-4, 6 and 8-24 stand rejected and are the subject of the instant Appeal. Claims 5, 7 and 25-32 have been cancelled. A copy of each of these claims is attached hereto in the Claims Appendix.

(iv) Status Of Amendments

No Amendments have been filed since the Final Office Action was mailed on May 29, 2008.

(v) Summary Of Claimed Subject Matter

Claims 1, 17 and 22 are the rejected independent claims and are discussed below.

Independent Claim 1

Claim 1 is directed toward a video imaging system, comprising a camera head transmitting image data (p. 6, Ins. 20-26; p. 7, Ins. 13-14, 18-19 & 24-25; p. 8, Ins. 21-

22; p. 9, Ins. 1-2; FIGS. 1-2); and a camera control unit receiving and processing said image data from said camera head (p. 6, Ins. 20-23; p. 7, Ins. 13-15 & 18-20; p. 8, Ins. 21-24; p. 10, Ins. 5-9; FIGS. 1-2). Said camera control unit having a detachable configurable component (p. 7, Ins. 7-10, p. 11, Ins. 18-26; p. 12, Ins. 1-3; FIGS. 3-4). Said detachable configurable component including a processor (p. 13, ln. 19 - p. 14, ln. 2; p. 15, Ins. 8-10 & 13-16). A storage device accessible by said camera control unit (p. 6, Ins. 23-24; p. 7, Ins. 26-28; p. 8, Ins. 23-24; p. 9, Ins. 12-19; p. 10, Ins. 8-9 & 21-25; p. 11, Ins. 17-20; FIGS. 1-2 & 4); and a software program stored on said storage device (p. 7, Ins. 20-23; p. 13, Ins. 25-28; p. 15, Ins. 13-16; FIGS. 1-2). Said camera control unit receiving said software program and overwriting an existing software program on said processor (p. 11, Ins. 1-4; p. 16, Ins. 20-22). Said processor configuring said detachable configurable component for processing the image data (p. 11, Ins. 1-4; 16, Ins. 18-22), wherein said detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit (p. 14, Ins. 8-10 & 17-19).

Independent Claim 17

Claim 17 is directed toward a video imaging system, comprising a camera head transmitting image data (p. 6, Ins. 20-26; p. 7, Ins. 13-14, 18-19 & 24-25; p. 8, Ins. 21-22; p. 9, Ins. 1-2; FIGS. 1-2); a camera control unit receiving and processing the image data from said camera head (p. 6, Ins. 20-23; p. 7, Ins. 13-15 & 18-20; p. 8, Ins. 21-24; p. 10, Ins. 5-9; FIGS. 1-2). Said camera control unit having a detachable configurable component comprising a processor (p. 7, Ins. 7-10, p. 11, Ins. 18-26; p. 12, Ins. 1-3; p. 13, ln. 19 - p. 14, ln. 2; p. 15, Ins. 8-10 & 13-16; FIGS. 3-4). Said camera control unit receiving a software program and overwriting an existing software program on said processor (p. 11, Ins. 1-4; p. 16, Ins. 20-22). Said processor configuring said detachable configurable component for processing the image data (p. 11, Ins. 1-4; 16, Ins. 18-22), wherein said detachable configurable component is completely removable

from said camera control unit such that a different detachable configurable component is installable in said camera control unit (p. 14, Ins. 8-10 & 17-19).

Independent Claim 22

Claim 22 is directed toward a video imaging system, comprising a camera head transmitting image data (p. 6, Ins. 20-26; p. 7, Ins. 13-14, 18-19 & 24-25; p. 8, Ins. 21-22; p. 9, Ins. 1-2; FIGS. 1-2); and a camera control unit receiving and processing the image data from said camera head (p. 6, Ins. 20-23; p. 7, Ins. 13-15 & 18-20; p. 8, Ins. 21-24; p. 10, Ins. 5-9; FIGS. 1-2). Said camera control unit having a detachable configurable component comprising a processor (p. 7, Ins. 7-10, p. 11, Ins. 18-26; p. 12, Ins. 1-3; p. 13, ln. 19 - p. 14, ln. 2; p. 15, Ins. 8-10 & 13-16; FIGS. 3-4). A software program executing on said processor and overwriting an existing software program on said processor (p. 11, Ins. 1-4; p. 16, Ins. 20-22). Said processor configuring said detachable configurable component in said camera control unit to process the image data (p. 11, Ins. 1-4; 16, Ins. 18-22), wherein said detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit (p. 14, Ins. 8-10 & 17-19).

(vi) Grounds Of Rejection To Be Reviewed On Appeal

Claims 1-4, 6 and 8-21 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0141054 (Mochida et al.) in view of U.S. Patent No. 5,627,583 (Nakamura et al.).

Claims 22-24 is rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,750,902 (Stenberg et al.).

(vii) Argument

A. Claims 1 & 17 - 35 U.S.C. §103(a) Rejection – Mochida et al. in view of Nakamura et al.

Claim 1 recites a “camera control unit having a detachable configurable component; said detachable configurable component including a processor . . . a software program” and “said camera control unit receiving said software program and overwriting an existing software program on said processor, said processor configuring said detachable configurable component for processing the image data, wherein said detachable configurable component is completely removable from said camera control unit.” Claim 17 recites a “camera control unit having a detachable configurable component comprising a processor” and “said camera control unit receiving a software program and overwriting an existing software program on said processor, said processor configuring said detachable configurable component for processing the image data, wherein said detachable configurable component is completely removable from said camera control unit.”

Appellant notes that neither Mochida et al. nor Nakamura et al. disclose or teach,

1) a detachable configurable component having a processor that configures a configurable component for processing the image data; and

2) a detachable configurable component having a processor that receives a software program which is used to configure a configurable component.

1. No Detachable Configurable Component Having A Processor As Claimed

With regard to the first argument, the Examiner has pointed to Mochida et al. stating that “the camera control unit having a detachable configurable component (Figure 1, Items 41-43, Paragraphs 0227-0239; Mochida discloses an expansion substrate

which uses an FPGA to process image data) including a processor (FPGA is a “processor”).” (Office Action, 5/29/08, p. 4) First, Appellant notes that Paragraphs 0227-0239 relate to Figure 28 and therefore for a proper understanding of the explanation of these paragraphs, reference to Figure 28 is appropriate. (See, Par. 233) The Examiner appears to be submitting that the FPGA mentioned in Mochida et al. is the processor, however, this is not consistent with the claim language nor is it consistent with what is taught in Mochida et al. For example, the claim language states that the program runs on the processor and “said processor configuring said detachable configurable component.” Therefore, the processor is not the “configurable component for processing the image data”, rather, it is used to program the configurable component. Mochida et al. also teaches that the FPGA is not programmed by itself, rather, it states that a “CPU or the like is used to program the actions performed in the digital IC” and specifically that “control unit 44 loads any data into the FPGA 452 . . . and thus finalizes a facility to be realized with the internal circuits of the FPGA 452.” (p. 11, par. 229; p. 12, par. 237) This is clearly seen with reference to FIG. 28 where “control unit 44” is shown on “main substrate 7” and “FPGA 452” is shown on “expansion substrate 451.” (FIG. 28; p. 5, par. 136; p. 12, par. 233) Accordingly, the “processor” that configures the “detachable configurable component for processing the image data” in Mochida et al. does not reside on the detachable configurable component as recited in claims 1 and 17, but rather, resides on “main substrate 7.” Nakamura et al. also fails to disclose or teach this limitation, nor has the Examiner submitted this reference for teaching or disclosing this limitation.

Appellant further submits that modification of Mochida et al. to include this limitation cannot be obvious. For example, Mochida et al. teaches that “[w]hen an address assigned to the identification signal generation unit 75 is designated, the identification signal generation unit 75 transmits an identification signal to the control unit on the main substrate 7 over an identification signal line 76. The control unit 44 identifies the connected expansion substrates and detects the number of connected expansion sub-

strates, and controls the expansion substrates according to the results of the identification and detection.” (Par. 156) (emphasis added) Accordingly, if one were to try to move the control unit 44 onto an expansion substrate, it is questionable whether or not the system would have means of communicating addresses. In any event, even if communication were possible, if the particular expansion substrate with the control unit relocated thereon was removed, the system would not function with the remaining expansion substrates. See, MPEP 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ2d 1125 (Fed. Cir. 1984) (if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.) Applicant respectfully submits that in the present case, if one were to relocate the control unit 44 to one of the expansion substrates, the system would not have the flexibility to freely add and remove expansion substrates. Alternatively, to it is questionable whether providing a control unit 44 on every expansion substrate would work as multiple control units would create confusion, and, in any event, would greatly increase the cost and complexity of the system.

The Examiner has submitted that “it is unclear why moving the control unit is necessary as argued by Applicant. Mochida already discloses an expansion substrate including a processor (e.g. FPGA, Figure 1, Items 21-43; Paragraphs 0227-0239) which configures the expansion substrate to process image data. Since the examiner has not proposed modifying the system taught in Mochida by moving the control unit as argued by Applicant, this argument is believed to not be relevant to the rejection of the claims.” (Advisory Action, 8/20/08, p. 2) Appellant respectfully submits as presented above, that the FPGA does not receive a program and configure itself, rather, “control unit 44 loads any data into the FPGA 452.” (p. 12, par. 237) Accordingly, to meet the limitations of pending claims 1 and 17, Mochida et al. must be modified such that “control unit 44” is moved onto “expansion slot 451.” However, as submitted above, Mochida et al. cannot be properly modified in this manner as it would result in a system that does not function for its intended purpose and therefore cannot be considered “obvious.”

Appellant further respectfully submits that obviousness requires a suggestion of all the elements in a claim (*CFMT, Inc. v. Yieldup Int'l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003)) and “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385 (2007). Here, we find that the Examiner has not identified all the elements of claim 1 and 17 (e.g. no “detachable configurable component comprising a processor . . . said processor configuring said detachable configurable component for processing the image data”), nor provided a reason that would have prompted the skilled worker to have arranged them in the manner necessary to reach the claimed invention (e.g. such a modification of Mochida et al. would result in a system that does not function for its intended purpose).

Accordingly, because neither Mochida et al. nor Nakamura et al. teach or disclose a camera control unit having a detachable configurable component comprising a processor, and that the processor receives a software program and overwriting an existing software program on said processor, where the processor configures the detachable configurable component for processing the image data, neither reference can render claims 1 and 17 obvious. In addition, because Mochida et al. actually teaches away from modification according to the claims 1 and 17, such a modification cannot be considered “obvious.”

2. No Software Program As Claimed

Claims 1 and 17 recite a “camera control unit receiving a software program and overwriting an existing software program on said processor, said processor configuring said detachable configurable component for processing the image data.” (emphasis added)

With regard to Appellant’s second argument, the Examiner has submitted that as “defined by Applicant, a software program includes “written programs or procedures or

rules . . . pertaining to the operation of a computer system”. The information described in Nakamura and Steinburg meets at least the “procedures” portion of this definition since it defines the steps which are taken by the system when image data is input to be processed.” (Advisory Action, p 2) Appellant respectfully disagrees.

For example, Nakamura et al. discloses “Data ROMs 19 and 20, which serve as circuit data recording means in which circuit data corresponding to respective built-in CCDs are recorded.” (Col. 4, Ins. 18-21 & 53-54 “circuit data is loaded from data ROM 19 into signal processing circuit 16.”) Nowhere does Nakamura et al. teach or disclose that the raw “circuit data” comprises “procedures” as suggested by the Examiner. Rather, at best Nakamura et al. teaches that signal processing circuit is configured based on the received “circuit data” but does not teach that the “circuit data” comprises a “software program.” (Appellant previously submitted that the definition of “software program” is: “**software program** - (computer science) written programs or procedures or rules and associated documentation pertaining to the operation of a computer system and that are stored in read/write memory”; Definition from Thefreedictionary, www.thefreedictionary.com) Appellant’s reading of the circuit data not comprising a “software program” is supported by a further consideration of Nakamura et al. where, for example, an embodiment disclosed in FIG. 6 shows the exact control unit configuration but instead of a “data ROM 19, 20” a “resistor array 54, 55” is shown. (See, FIGS. 2 & 6) It is clear that the resistor array is providing only raw data, not a “software program” and is interchangeable with the “data ROM 19, 20.” This conclusion is supported by the fact that the configuration of the control unit is identical to that disclosed in FIG. 2, of which the specification is limited to teaching transmission of “circuit data”, not a “software program.”

As stated above, obviousness requires a suggestion of all the elements in a claim (*CFMT, Inc. v. Yieldup Int'l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003)) and “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *KSR Int'l Co. v. Teleflex*

Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385 (2007). Here, we find that the Examiner has not identified all the elements of all the claims (e.g. “a software program executing on said processor”), nor provided a reason that would have prompted the skilled worker to have arranged them in the manner necessary to reach the claimed invention.

Accordingly, because neither Mochida et al. nor Nakamura et al. teach or disclose a processor receiving a software program and overwriting an existing software program on said processor, where the processor configures the detachable configurable component for processing the image data, neither reference can render claims 1 and 17 obvious.

B. Claim 22 - 35 U.S.C. §103(a) Rejection –Stenberg et al.

Claim 22 recites a “video imaging system” that comprises “a camera head transmitting image data; a camera control unit receiving and processing the image data from said camera head; said camera control unit having a detachable configurable component comprising a processor; and a software program executing on said processor and overwriting an existing software program on said processor, said processor configuring said detachable configurable component in said camera control unit to process the image data; wherein said detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit.” Accordingly, the video imaging system includes a camera that functions with a camera control unit having a detachable configurable component.

Stenberg et al. is directed to a very different configuration stating that the “present invention relates generally to digital still and video cameras and communications systems, and more particularly to a communication device providing a communication interface between a digital camera and a network system.” (Col. 1, Ins. 18-22) Accordingly, Stenberg et al. teaches a “camera 12”, a “communications device 10” and a

“PC 14” that are interconnected per FIG. 1. (Col. 4, Ins. 9-12) As Steinberg states, the “function of the communication device 10 is to perform the necessary operation required to receive data from the camera 12 and then to send the data to the remote destination 18 by way of a selected communication media indicated by network 16.” (Col. 4, Ins. 42-46)

Specifically, Appellant submits that Steinberg fails to disclose or teach “said camera control unit having a detachable configurable component comprising a processor; and a software program executing on said processor and overwriting an existing software program on said processor, said processor configuring said detachable configurable component in said camera control unit to process the image data.”

The Examiner is submitting that “communication device 10” comprises the detachable configurable component and the “PC 14” comprises the camera control unit. (Office Action, 5/29/08, p. 11) Applicant disagrees with the Examiner’s assessment of Steinberg.

First, Appellant notes that claim 22 describes a “video imaging system” that necessarily includes a “camera”, a “camera control unit” and the “camera control unit having a detachable configurable component comprising a processor” and “a software program executing on said processor . . . said processor configuring said detachable configurable component in said camera control unit to process the image data.” All of these devices as claimed are required to provide a functional system. For example, if one were to withdraw the detachable configurable component from within the camera control unit, the system would not function; likewise if one were to discard the camera control unit and only connect the camera to the detachable configurable component, the system would not function. MPEP 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ2d 1125 (Fed. Cir. 1984) (if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.) This is what the Examiner is suggesting can

be done with the Steinberg reference. Steinberg clearly states that the “device 10 has a camera communication port 20 for interconnection to either the camera 12 as indicated by cable 22 to port 24, or to the PC 14 through cable 26. The dashed lines 28 are to indicate that either the camera 12 or PC 14 can be connected to port 20.” (Col. 4, Ins. 15-20) Steinberg is very clear that the camera can be connected then, to either the “communication device 10” (equated to the detachable configurable component) or to “PC 14” (equated to the camera control unit) both not to both simultaneously.

Applicant further notes that claim 22 recites “said detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit.” The Examiner has submitted however that the claims “do not require all components to be included in a single housing as Applicant appears to be arguing. Furthermore, it is not believed that a CCU by definition must be entirely enclosed within a single housing. It is further noted that device 10 of Steinberg is connected directly to the computer 14 in a removably [sic] manner via a cable which is plugged into the computer and can therefore the two device may be considered a single system or “unit” as claimed.” (Advisory Action, 8/20/08, p. 3) Appellant disagrees with the Examiner’s conclusions.

First, Appellant is not submitting that “all components to be included in a single housing”, rather, claim 22 recites a “camera control unit having a detachable configurable component comprising a processor” and “said processor configuring said detachable configurable component in said camera control unit to process the image data” and that the “detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit.” Therefore, Appellant is arguing that the detachable configurable component that includes the processor is in the camera control unit (not simply coupled to), such that a different detachable configurable component may be installed in (not simply attached to) the camera control unit. Appellant respectfully submits that all limitations of all claims must be considered, because it is improper to fail to consider any

limitation in the claims. *In re Geerdes*, 491 F.2d 1260, 1262, 180 U.S.P.Q. 789, the 791 (CCPA 1974).

With regard to the Examiner's comments that because the communication device 10 is coupled to PC 14 that the two devices may be considered a single system or "unit" as claimed, Appellant disagrees. As stated above, the system claimed in claim 22 requires all the claimed pieces to function, whereas Steinberg clearly states that when "communication device 10" is coupled to "PC 14", it absolutely cannot be coupled to the "camera 12." Therefore, Appellant submits that the combination of "communication device 10" coupled to "PC 14" cannot "be considered a single system or "unit" as claimed" in claim 22.

As stated above, obviousness requires a suggestion of all the elements in a claim (*CFMT, Inc. v. Yieldup Int'l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003)) and "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385 (2007). Here, we find that the Examiner has not identified all the elements of all the claims (e.g. "said processor configuring said detachable configurable component in said camera control unit" and that the "detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit"), nor provided a reason that would have prompted the skilled worker to have arranged them in the manner necessary to reach the claimed invention.

Accordingly, because Steinberg fails to teach or disclose "said processor configuring said detachable configurable component in said camera control unit" and that the "detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit" it cannot render claim 22 obvious.

Conclusion

For the foregoing reasons, Appellant respectfully submits that the claimed invention embodied in each of claims 1, 3-6, and 19-28 is patentable over the cited prior art. As such, Appellant respectfully requests that the rejections of each of claims 1, 3-6, and 19-28 be reversed and the Examiner be directed to issue a Notice of Allowance allowing each of claims 1, 3-6, and 19-28.

Respectfully submitted,

October 24, 2008

/Wesley W. Whitmyer, Jr./
Wesley W. Whitmyer, Jr., Registration No. 33,558
Steven B. Simonis, Registration No. 54,449
Attorneys for Applicants
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
Tel. 203 324-6155

**Claims Appendix
to Appeal Brief Under 37 CFR §41.37
Serial No. 11/334,246**

1. (previously presented) A video imaging system, comprising:
 - a camera head transmitting image data;
 - a camera control unit receiving and processing said image data from said camera head, said camera control unit having a detachable configurable component;
 - said detachable configurable component including a processor;
 - a storage device accessible by said camera control unit; and
 - a software program stored on said storage device;
 - said camera control unit receiving said software program and overwriting an existing software program on said processor, said processor configuring said detachable configurable component for processing the image data, wherein said detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit.
2. (original) The video imaging system according to claim 1, further comprising a camera head identifier received by said camera control unit for retrieving said information from said storage device.
3. (original) The video imaging system according to claim 2, wherein said camera head transmits said camera head identifier.
4. (original) The video imaging system according to claim 1, wherein said camera head includes said storage device.
5. (cancelled)

6. (previously presented) The video system according to claim 1, wherein said program specifies said at least one replaceable hardware component.
7. (cancelled)
8. (previously presented) The video system according to claim 1, wherein said at least one replaceable hardware component further includes a memory device.
9. (previously presented) The video system according to claim 1, wherein said at least one replaceable hardware component further includes a field programmable gate array.
10. (previously presented) The video system according to claim 1, further comprising a video bus and said at least one replaceable hardware component attaches to said video bus.
11. (previously presented) The video imaging system according to claim 1, wherein said replaceable hardware component includes a connector.
12. (original) The video imaging system according to claim 11, wherein said connector receives the image data.
13. (original) The video imaging system according to claim 11, wherein said connector outputs a signal processed from the image data.
14. (original) The video imaging system according to claim 1, wherein said camera control unit further comprises hardware capable of processing at least two different types of image data.

15. (original) The video imaging system according to claim 1, wherein said information routes the image data received by said camera control unit to the hardware capable of processing a specified type of image data.

16. (original) The video imaging system according to claim 1, wherein said information enables said camera control unit to issue commands to said camera head.

17. (previously presented) A video imaging system, comprising:
a camera head transmitting image data; and
a camera control unit receiving and processing the image data from said camera head;
said camera control unit having a detachable configurable component comprising a processor;
said camera control unit receiving a software program and overwriting an existing software program on said processor, said processor configuring said detachable configurable component for processing the image data, wherein said detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit.

18. (original) The video imaging system according to claim 17, further comprising a storage device accessible by said camera control unit.

19. (previously presented) The video imaging system according to claim 18, wherein said program is stored on said storage device.

20. (original) The video imaging system according to claim 17, further comprising a connector for outputting a signal processed from the image data.

21. (original) The video imaging system according to claim 17, wherein said at least one replaceable hardware component processes at least two different types of image data.

22. (previously presented) A video imaging system, comprising:
a camera head transmitting image data;
a camera control unit receiving and processing the image data from said camera head;
said camera control unit having a detachable configurable component comprising a processor; and
a software program executing on said processor and overwriting an existing software program on said processor, said processor configuring said detachable configurable component in said camera control unit to process the image data;
wherein said detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit.

23. (original) The video imaging system according to claim 22, further comprising a storage device accessible by said camera control unit.

24. (previously presented) The video imaging system according to claim 23, wherein said program for configuring the processor is stored on said storage device.

25.-32. (cancelled)

Evidence Appendix
to Appeal Brief Under 37 CFR §41.37
Serial No. 11/334,246

A definition for the term “software program” (“the Definition”) that was previously entered pursuant to 37 CFR 1.132 is attached hereto at A. The Definition was submitted by the Applicant in a Response to an Official Action of May 29, 2008 and was subsequently acknowledged and entered in the record in the Official Action dated August 20, 2008 at page 2, lines 5-11.

**Related Proceedings Appendix
to Appeal Brief Under 37 CFR §41.37
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There are no related Appeals or Interferences. As such, there are no decisions rendered by a court or the Board in any such Appeals or Interferences.

Exhibit A



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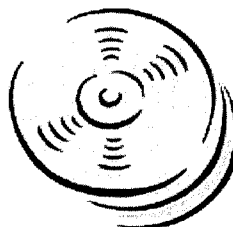
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Noun 1. software program - (computer science) written programs or procedures or rules and associated documentation pertaining to the operation of a computer system and that are stored in read/write memory; "the market for software is expected to expand"



computer software, software, software package, software system, package

computer science, computing - the branch of engineering science that studies (with the aid of computers) computable processes and structures

computer code, code - (computer science) the symbolic arrangement of data or instructions in a computer program or the set of such instructions

alpha software - a first release of a software product that is usually tested only by the developers

authoring language - software that can be used to develop interactive computer programs without the technically demanding task of computer programming

beta software - software that has not yet been released but has received an alpha test and still has more bugs than a regular release; "beta software is usually available only to particular users who will test it"

compatible software - software that can run on different computers without modification

compatible software - application software programs that share common conventions so they can be utilized together

computer-aided design, CAD - software used in art and architecture and engineering and manufacturing to assist in precision drawing

freeware - software that is provided without charge

groupware - software that can be used by a group of people who are working on the same information but may be distributed in space

operating system, OS - (computer science) software that controls the execution of computer programs and may provide various services

computer program, computer programme, programme, program - (computer science) a sequence of instructions that a computer can interpret and execute; "the program required several hundred lines of code"

subprogram, subroutine, procedure, routine, function - a set sequence of steps, part of larger computer program

shareware - software that is available free of charge; may be distributed for evaluation with a fee requested for additional features or a manual etc.

shrink-wrapped software - software on CD-ROMs that are boxed and shrink-wrapped and sold in stores (implying a widely supported standard platform)

spyware - computer software that obtains information from a user's

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computer without the user's knowledge or consent

supervisory software - specialized programs that reside permanently in the computer's main memory and control the processing of user's programs

software documentation, documentation - program listings or technical manuals describing the operation and use of programs

database management system, DBMS - a software system that facilitates the creation and maintenance and use of an electronic database

upgrade - software that provides better performance than an earlier version did

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